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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HAQ, MOHAMMAD AAMIR	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/719,476	BISHOP ET AL.	
	Examiner	Art Unit	
	Aamir Haq	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed 9/11/2006. Claims 1 – 25 are now pending in the present application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 25 claims a "computer program product." In light of the specification, at paragraph 0032, it states that the program is a signal. Thus, the claim is non-statutory under the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility. Additionally, the claim states "medium for storing." "For storing" is an intended use and does not make clear the medium is stored. "A computer readable medium storing a computer program" or "encoded with" makes it clear that the medium is stored and not simply "for" storing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 5 and 7 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,215,857 (Kasiviswanathan) hereinafter "Kasiv" in view of US 6,600,817 (Shaffer et al.) hereinafter "Shaffer."

As to claims 1 and 25, Kasiv teaches a method for providing a no-ring telephone call service, the method comprising:

- receiving notification that a telephone call from a calling party device (200 in fig. 2) requesting to use the no-ring telephone call service has arrived at a switch (210 in fig. 2, 305 in fig. 3, 410 and 420 in fig. 4), the notification including a called party (220 in fig. 2) telephone number (300 in fig. 3, col. 4 lines 7 - 22);
- determining if the called party telephone number corresponds to a voice mail service subscriber (240 and 250 in fig. 2), read as the claimed voice mail platform number in a region wide messaging database (305 and 325 in fig. 3, col. 4 lines 23 - 46). Note that a voice mail service subscriber would have a corresponding voice mail platform number in a region wide messaging database.
- when the called party telephone number corresponds to a voice mail service subscriber, read as the claimed voice mail platform telephone number, instructions to route the telephone call directly to the voice mail system (240 in fig. 2) are communicated to the switch (330 – 355 in fig. 3, col. 4 lines 47 – 60, col. 5 lines 50 - 58)
- when the called party telephone number does not correspond to a voice mail service subscriber, read as the claimed voice mail platform telephone number,

instructions to play a pre-recorded message are communicated to the switch (335 and 340 in fig. 3, col. 4 lines 61 – 65, col. 5 lines 59 - 67).

Kasiv does not disclose expressly the pre-recorded message including a direct connect option for completing the telephone call to the called party telephone number including ringing a device at the called party telephone number and when the calling party device selects the direct connect option, the no-ring telephone call application sends instructions to the switch to complete the telephone call.

However, Shaffer teaches a pre-recorded message including a direct connect option for completing the telephone call to the called party telephone number including ringing a device at the called party telephone number and when the calling party device selects the direct connect option, the no-ring telephone call application sends instructions to the switch to complete the telephone call (44 - 48 in fig. 2, Abstract, col. 5 lines 49 – 55 of Shafffer).

Kavis and Shaffer are analogous art because they are from the same field of endeavor namely, telephony call completions. At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide an option to abandon or alternatively complete the call to the called party in the system of Kavis in view of the teachings of Shaffer. The motivation for doing so would have been to provide the user with another option, since no voicemail is available. The other option could be to abandon the call or alternatively connect with the called party number. A user may have preferred to leave a message. However, since the option of leaving a message is not available, the user may want to go ahead and ring the called party number. For

example, a calling party may be entering an area where there is no telephone access (i.e. secured area, vacation, airplane, poor service are, etc.). The calling party may have important information (i.e. fight information, directions, status, etc.) to that needs to be communicated to the called party. The calling party may prefer not to ring the called party (i.e. leave a voice message). However, if the calling party cannot access the called party's voicemail, it would be beneficial and necessary to have the option to complete the call to the called party. In this example, the calling party would prefer to ring the called party to communicate the information instead of abandoning the call and not being able to deliver the message

It is noted that Kavis teaches that a message is played to the calling party indicating that the call will be torn down when no voicemail option is available. However, Kavis in no way precludes or indicates that other options are not available. Kavis states that the "innovative concepts described in the present application can be modified and varied over a wide range of applications" and that "the scope of patented subject matter should not be limited to any of the specific exemplary teachings discussed" (col. 8lines 31 – 36 of Kavis). Therefore, it would have been obvious to combine Shaffer with Kavis for the benefit of a more user friendly system to obtain the invention as specified in the claims.

As to claim 2, Kasiv teaches that if the called party is a voice mail service subscriber, the system "routes the call directly to the called subscribers voice mail box (250 in fig. 2) for this particular call" (col. 4 lines 53 – 55). This instructs the switch to direct calls directly to the voice mail system (240) without ringing. It would be obvious to

one of ordinary skill in the art that these instructions would include voicemail platform telephone number and the called party telephone number. The called party telephone number would be used to identify the called party and corresponding service account (300 in fig. 3). The account is checked to determine if the called party is a voice mail service subscriber. If the called party is a voice mail subscriber, a voicemail platform telephone number is used for directing calls to the subscribers voice mail box (250). This voicemail platform telephone number would be used by the switch to direct the particular call to the subscribers voice mail box (250) without ringing.

As to claim 3, Kasiv teaches a separate voice mail system (240) that includes individual boxes (250) for each service subscriber. This voice mail system reads on the claimed database since it is a collection of data structured and organized for easy access. In addition a voice mail system is defined as a device to record, store and retrieve voice messages. When subscriber A calls Subscriber B, subscriber A dials subscriber B's telephone number. When the call is to be directed to voicemail, the switch detects the corresponding voice mailbox and directs the call (transparent to the calling party) to the number associated with the voice mailbox. This number associated with the voicemail box is the claimed voicemail platform telephone number. The voicemail system or database would obviously include both the voicemail platform telephone number and the called party telephone number attributes. Both are essential to maintaining a database for a subscriber. Obviously, the database would include the subscriber's telephone number, account information, and voicemail platform telephone number that the switch uses to direct the call.

As to claims 4, 5, 8, 9, Kasiv teaches that the notifications from a calling party are received at a switch, e.g. local service provider, service switching point, or end office (210 in fig. 2, col. 4 lines 25 – 27). Kasiv further teaches that one of ordinary skill in the art can modify or vary the inventive concept without departing from the scope of the invention (col. 8 lines 31 – 36). It would be obvious to one of ordinary skill in the art that any type of device that is capable and used in the art for handling incoming notifications could integrate the concept of Kasiv. These devices would include the claimed SCP, application server, service provider central office service switching point and softswitch. Moreover, it is well known in the art to move functionality between different components in an AIN system. This is often done to reduce unnecessary traffic or to have a singe access point for software upgrades or part replacement. For example, certain functionalities in an SSP and SCP are often interchanged depending on requirements for the particular system. Alternatively, if the inventive concept of Kasiv were integrated into a VOIP environment, a softswitch would receive the notifications.

As to claim 7, Kasiv teaches that the request is initiated by a calling party entering a no-ring telephone call service coded into the calling party device (300 in fig. 3, col. 4 lines 7 – 18).

As to claims 10 and 22, Kasiv has been discussed above. Kasiv teaches an SCP (120 in fig.1) and a switch (210 in fig. 2) as basic components of Advanced Intelligent networks. Kasiv does not disclose expressly that the switch queries the SCP to determine whether a called party telephone number corresponds to a voice mail

platform number in the region wide messaging database. However, Kasiv teaches that a query is made to determine if the called party is a subscriber to the voice mail service. It would be obvious to one of ordinary skill in the art at the time of invention that in order to make this determination the switch of Kasiv would query a device such as an SCP in landline environments or an MSC in mobile environments to determine if the called party is a subscriber to the voice mail service. This is because an SCP is a remote database within a SS7 network and would be queried to make such a determination. Alternatively, a server could be queried in a VOIP environment to make the determination.

As to claims 11, 13, 15, 17 - 21 see the rationale for the rejection of claim 4. The same rationale applies to claims 11 and 13. The type of switch would depend on the type of telephony environment that the system is implemented. Moreover, the type of switch does not make the applicant's invention patentably different than the reference of Kasiv. Both the applicant and Kasiv teach implementing a no-ring and direct to voice mail system to be applied in telephony environments. The type of switch will obviously differ based on telephony environment (PSTN, VOIP, mobile, etc.). However, the novel aspects of the invention (taught by Kasiv) will be the same, i.e., directing a call to voicemail without disturbing a called party.

As to claim 12, 14, 16 see col. 4 line 26 and figures 1 and 2.

As to claim 23, see col. 4 lines 61 – 65 and 335 in fig. 3

As to claim 24, obviously if the call was made in a VOIP environment the call would be routed via a packet switched network. If the call is made using the PSTN, the

call would be routed via a circuit switched network. The invention of Kasiv could be applied to either environment without departing from the scope of the invention.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,215,847 (Kasiviswanathan) in view of US 6,600,817 (Shaffer et al.) further in view of US 5,181,238 (Medamana et al.) hereinafter "Medamana".

As to claim 6, Kasiv and Shaffer have been discussed above. Kasiv does not disclose expressly that the system verifies that the calling party is authorized to use the no-ring telephone call service. However, the process of verifying that that a calling party is authorized to use a telephone service is old and well known in the art. Common services such as *69, *67 and 411 are used only if the user is authorized to use the feature. Parents often disable such features on phones to prevent high phone bills. This is the case with features such as 3-way calling and call forwarding. These features must by enabled by the subscriber, since a cost my by charged per use of the feature. Therefore, when a calling party enters a service code, the system checks if the feature is enabled and the calling party is authorized to use such a feature. Further examples require to calling party to enter a passcode or pin in order to place a call. This pin or passcode is verified before the call service is processed. Consequently, only authorized individuals are permitted to use a select service. Medamana provides further evidence that the process of verifying a calling party is authorized to use a service is old and well known in the art. Medamana teaches verifying that the calling party device is authorized to use a service (324 and 326 in fig. 5, col. 2 line 65 – col. 3 line 5 of Medamana).

Medamana further teaches that if the verifying results in a determination that the calling party device is not authorized to use the service then sending instructions to the switch to play a pre-recorded not authorized message to the calling party device (328 in fig. 5 of Medamana).

Kasiv, Shaffer and Medamana are analogous art because they are form the same field of endeavor, namely telephony systems. At the time of the invention it would have been obvious to a person of ordinary skill in the art to verify the calling party is authorized to use the no-ring service in the system of Kasiv in view of the teachings of Medamana. The motivation for doing so would have been to only permit certain individuals to be transferred directly to voicemail. Other non-authorized users would have to place a regular call in the known fashion. Kasiv obviously contemplated the idea of not permitting everyone access directly to voicemail. Kasiv implemented a "Direct Voice Mail Access Blocking (DVMAB)" feature (col. 3 lines 19 – 26 of Kasiv). The purpose of the DVMAB feature was to inhibit direct access to voicemail by calling subscribers. Therefore, DVMAB is used to limit calling parties from directly accessing voicemail. This same result is achieved by using verification/authorization procedures for the calling party. Since verification/authorization procedures were well known in the art at the time of invention, it would have been obvious to one of ordinary skill in the art to use these procedures to produce the same result as Kasiv intended with DVMAB.

Response to Arguments

5. Applicant's arguments with respect to claim 1 - 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamir Haq whose telephone number is 571-272-5511. The examiner can normally be reached on Mon thru Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A. H.

A.H.
October 11, 2006

WING CHAN
SUPERVISORY PATENT EXAMINER